HONOURABLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16357 of 2005

Dated: 26-07-2005

Between:

1. B,Balaji and another .. Petitioenrs

and

1. Gajuvaka Municipality, rep. by its Commissioner

And 3 others. … Respondents.

***

HONOURABLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16357 of 2005

ORDER:

The petitioners in effect seeking a direction to the respondents 1 and 2 to restore 12 feet road in question by removing encroachments laid on the road by

taking appropriate action against the 3rd and 4th respondents.

2. The case of the petitioners is that they are the owners of the houses in Survey No.123/14, situate in Srinar, Chinagantyada village; that In the north side of their houses, there was 12 feet public road existing in lay out itself approved by the 2nd respondent-Visakhapatnam Urban Development Authority. While so, the respondents 3 and 4 encroached upon the road in question and constructed toilets by closing the road. At this stage, the petitioners approached the

1st respondent-Gajuwaka Municipality and made a representation dated 10-07-2004 to take necessary action against the respondents 3 and 4. But, no action has been taken so far by the respondents. Aggrieved by the same, the present Writ Petition has been filed.

3. The learned counsel for the petitioners submits that since the representation of the petitioners is pending before the 1st respondent, appropriate decision has to be taken by the 1st respondent, therefore, he adjured the Court to give a direction to the 1st respondent to consider the representation of the petitioners.

4. Having regard to the facts and circumstances of the case, I deem it consider to dispose of the Writ Petition with certain direction.

5. Accordingly, the Writ Petition is disposed of with a direction to the 1st respondent-Gajuwaka Municipality to consider the representation, dated 10-07-2004, submitted by the petitioners, within a period of four (4) weeks, from the date of receipt of a copy of this order and pass appropriate orders in accordance with law, after affording reasonable opportunity to the effected parties. No costs.

_____

July 26, 2005

Kvr